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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,538	08/18/2000	Jeffrey R. Kaufman	1085/37870/18	7591
826	7590	12/02/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			LAMB, TWYLER MARIE	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/642,538	Applicant(s) KAUFMAN ET AL	
	Examiner Twyler M. Lamb	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13, 19 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 19 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-10 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 18, 21 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-10, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraslavsky et al. (Kraslavsky) (US 5,537,626) in view of EP 0872792 A2 (Adobe Systems, Inc.) and Ramberg et al. (Ramberg) (US 6,857,013).

With regard to claims 1, 7, and 22-26, Kraslavsky discloses a printer (Figure 1, printers 20, 24, 26...) which is configured to print labels, tags or the like (it is understood that any printer can be configured to print labels), said printer comprising: a housing; and electronics in the housing configured to monitor and determine a condition of the printer, and thereafter transmit data corresponding to the condition and in the housing configured to provide that a label format stored in the printer is at least one of viewable and modifiable to a remote location over at least one of an Intranet, the Internet and a wireless communication network, said electronics configures such that the printer can thereafter be reprogrammed remotely independent from re-powering the printer (col 8, line 9 – col 12, line 13).

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Kraslavsky does not specifically teach transmitting the status condition independent from any solicitation from the remote location, nor thereafter transmitting data corresponding to the condition in either XML or HTML.

EP 0872792 A2 (Adobe Systems, Inc.) discloses network communication with printing systems that includes transmitting the status condition independent from any solicitation from the remote location (col 8, lines 26-30).

Ramberg discloses a system for remotely diagnosing peripheral devices that includes thereafter transmitting data corresponding to the condition in either XML or HTML (col 6, line 42 – col 10, line 3).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kraslavsky to include transmitting the status condition independent from any solicitation from the remote location as taught by EP 0872792 A2 (Adobe Systems, Inc.) and transmitting data corresponding to the condition in either XML or HTML as taught by Ramberg.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kraslavsky by the teaching of Ramberg to allow the status information to be posted for use by the user when needed as taught by EP 0872792 A2 (Adobe Systems, Inc.) in col 8, lines 26-30 and to transmit the status information across the World Wide Web as taught by Ramberg in col 6, line 42 – col 10, line 3.

With regard to claim 2, Kraslavsky as modified does not teach wherein said printer is configured to transmit the data via email.

Ramberg discloses a system for remotely diagnosing peripheral devices that includes wherein said printer is configured to transmit the data via email (col 16, lines 18-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kraslavsky to include teach wherein said printer is configured to transmit the data via email as taught by Ramberg.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kraslavsky by the teaching of Ramberg to allow the status information to be posted for use by the user when needed as taught by EP 0872792 A2 (Adobe Systems, Inc.) in col 8, lines 26-30 and to transmit the status information across the World Wide Web as taught by Ramberg in col 6, line 42 – col 10, line 3.

With regard to claim 5, Kraslavsky also discloses said printer including a microprocessor and a port, said microprocessor in communication with said port and configured to transmit the data through said port to at least one of the Intranet, the Internet and wireless communication network (col 8, line 9 – col 12, line 13).

With regard to claim 8, Kraslavsky also discloses said printer configured to provide that the label format is at least one of viewable and modifiable via at least one of a personal computer connected to the Internet (col 8, line 9 – col 12, line 13).

With regard to claim 9, Kraslavsky also discloses said printer configured to provide that the label format is at least one of viewable and modifiable using a web browser on a personal computer connected to at least one of the Intranet and the Internet (col 8, line 9 – col 12, line 13).

With regard to claim 10, Kraslavsky also discloses said printer including a microprocessor, said microprocessor in communication with said port and configured to transmit label format data through said port to at least one of the Intranet, the Internet and wireless communication network (col 8, line 9 – col 12, line 13).

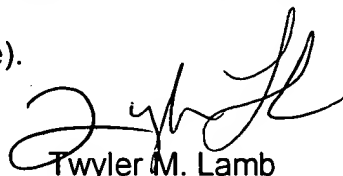
Allowable Subject Matter

4. Claims 13 and 19 are allowed.
5. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 571-272-7406. The examiner can normally be reached on Mon, Tues and Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Twyler M. Lamb', is positioned above the printed name.

Twyler M. Lamb
Primary Examiner
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